

*DAE JTW*

6715/56610



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Kenji SEYA  
Serial No.: 09/297,038  
Filed: April 26, 1999  
For: INFORMATION PROCESSING APPARATUS AND METHOD  
Date: December 7, 2004


Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a Petition for Revival of Application Abandoned Unavoidably Under 37 CFR 1.137(a) and a Request for Continued Examination in the above-identified application.

- ☐ No fee is required.
- ☒ The fee has been calculated as shown below.
- ☐ Total claims in excess of \_\_\_ previously paid for, at \$18 (\$9)
- ☐ Independent claims in excess of \_\_\_ previously paid for, at \$84 (\$42)
- ☐ Additional Fee for this Amendment
- ☐ This Response is being filed within the \_\_\_ first month, \_\_\_ second month, \_\_\_ third month, \_\_\_ fourth month, \_\_\_ fifth month following the expiration of the term originally set therefor. Applicants Petition for an extension, and the fee of \_\_\_ \$110 (\$55), \_\_\_ \$400 (\$200), \_\_\_ \$920 (\$460), \_\_\_ \$1,440 (\$720), \_\_\_ \$1,960 (\$980) is due and paid herewith.
- ☐ The fee of \$ \_\_\_ set by 37 CFR 1.17(p) for the Information Disclosure Statement is due and paid herewith.
- ☒ A check in the amount of \$ 900.00 is attached.
- ☒ Please charge any additional fees or credit any overpayment to Deposit Account No. 03-3125.

COOPER & DUNHAM, LLP

  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kenji SEYA  
 Serial No.: 09/297,038  
 Filed: April 26, 1999  
 For: INFORMATION PROCESSING APPARATUS AND METHOD  
 Group A.U.: 2654  
 Examiner: D. D. Knepper

I hereby certify that this paper is being deposited this date with the U.S. Postal Service in first class mail addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Jay H. Maioli  
 Reg. No. 27,213

Date

12.07.04

December 7, 2004  
 1185 Avenue of the Americas  
 New York, NY 10036  
 (212) 278-0400

PETITION FOR REVIVAL OF APPLICATION FOR PATENT  
ABANDONED UNAVOIDABLY UNDER 37 CFR § 1.137(a)

Mail Stop Petition  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.137(a), Applicant hereby petitions for revival of the above-identified application for patent.

A Final Office Action in the above-identified application was mailed on April 7, 2004.

An Amendment After Final Action Under 37 CFR § 1.116 was filed by the Applicant on July 7, 2004 in response to the abovementioned Final Office Action.

An Advisory Action in the above-identified application

was mailed on November 18, 2004.

No notice of Abandonment of the above-identified application has been received as of the date of filing of the present petition.

The Advisory Action of November 18, 2004 stated that the period for reply expired three months from the mailing date of the final rejection, that is, July 7, 2004.

It is respectfully submitted that the Amendment After Final Action Under 37 CFR § 1.116 filed July 7, 2004 contained amendments to the abstract, specification, and claims, and was believed to place the above-identified application in condition for allowance.

Furthermore, it is respectfully submitted that the Advisory Action was mailed November 18, 2004, that is, more than four months after the expiration of the above-described stated period for reply.

It is respectfully submitted that Applicant could not learn of the non-entry of the Amendment filed July 7, 2004 until well after the expiration of the period for reply, due to the date of mailing of the Advisory Action.

Therefore, it is respectfully submitted that the entire delay in filing the reply specified in the Advisory Action of November 18, 2004 from the specified due date to the filing of a grantable petition pursuant to 37 CFR § 1.137(a) was unavoidable.

In reply to the Final Office Action Under 37 CFR § 1.113 Applicant submits herewith a Request for Continued Examination.

It is submitted that since the above-identified

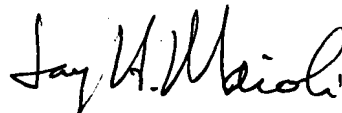
application was filed on or after June 8, 1995, no terminal disclaimer is required.

The petition fee for other than a small entity under 37 CFR 1.17(1) is submitted herewith. Additionally the fee for the Request for Continued Examination under 37 CFR § 1.17(e) is submitted herewith.

Any deficiency or overpayment of fees should be charged or credited to Deposit Account No. 03-3125.

Revival of the above-identified application and an early and favorable examination on the merits are earnestly solicited.

Respectfully submitted,  
COOPER & DUNHAM LLP

A handwritten signature in dark ink, appearing to read "Jay H. Maioli". The signature is fluid and cursive, with the first and last names being more prominent.

Jay H. Maioli  
Reg. No. 27,213